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September 24, 2020

(via ECF)  
Honorable Paul A. Engelmayer  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square,  
New York, New York 10007-1312

Re: *Shveta Kakar Kurtz et. al. v. David Hansell et. al.*  
Case No.: 20-CV-3401 (PAE)

Dear Judge Engelmayer:

Again, I hope this letter finds you and your staff well and in continued good spirits.

I respectfully remind the Court that this office represents the Plaintiffs in this case, which rests before the Court being the subject of what amounts to five Rule 12(b)(6) motions, the most recent being filed on September 23, 2020. (Docket entry #s 113 and 114).

Having had the time to review each motion and memorandum of law, it appears obvious to me that the most logical and efficient way to present opposition is to submit two oversized briefs not to exceed 40 pages that will present Plaintiffs' defense to the "*municipal Defendants*" and, under separate cover, the "*hospital and medical professional Defendants*." By approaching matters in this fashion, the Court is spared reading overlapping and interconnected separate briefs that, in my humble opinion, would not only be burdensome but unduly confusing. For example, in this 42 U.S.C. 1993 action, the issues surrounding qualified immunity are front and center. However, in the context of certain hospital and medical Defendants, the traditional standard at work is complicated by the "*State actor status*" of civilian Defendants adding an additional wrinkle that must be dealt with. Very simply, after reading all of the submissions it has become manifestly self-evident that what I suggest here is a much better approach than a series of separate briefs that will, in large part, rely on each other.

Needless to say, for a sole practitioner, this is an enormous task. As I have previously mentioned, I am a sole practitioner with a very heavy litigation and appellate practice. For example, in the month of October I will orally argue a matter before the Second Circuit Court of Appeals and file two briefs in the Appellate Division, Second Department. Moreover, it appears that the State Courts have awakened and I am suddenly inundated with Skype conferences, motion practice, and trial work. In other words, a workload that is ordinarily extreme has become oppressive. To that point, I have sought consent from all opposing counsel for an enlargement of time to November 19, 2020 to submit opposition and, given the intervening Thanksgiving holiday, December 18, 2020 for replies, if any. Importantly, all counsel have graciously consented to my request.

Accordingly, Plaintiffs humbly and respectfully request that the prior scheduling order be further amended to allow Plaintiffs until November 20, 2020 to submit oversized briefs not to exceed 40 pages with replies due on December 18, 2020.

I would like to thank the Court for any consideration given to my office under what can only be described as difficult and taxing circumstances.

Of course, should there be any questions or concerns, please do not hesitate to contact me at the number provided hereinabove. I am,

Most Sincerely and Respectfully Yours,

\_\_\_\_\_/s/\_\_\_\_\_  
ROBERT J. DEL COL, ESQ.

Cc: All Counsel of Record (via ECF)

Plaintiffs shall file one consolidated opposition to the defendants' motions to dismiss, not to exceed 60 pages. The Court grants plaintiffs an extension of time to file that response, but not to the full extent requested. Rather, plaintiffs' response to the defendants' motions to dismiss is due November 6, 2020, and defendants' replies, if any, are due December 4, 2020.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

September 28, 2020